

August 4, 2016

**VIA HAND-DELIVERY**

Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismarck, ND 58505-0480



**Re: Dakota Access, LLC  
Case No. PU-14-842**

Dear Mr. Nitschke:

Enclosed for filing in the above entitled matter, please find an original copy and ten (10) additional copies of the following documents:

- Company Representative Contact Information; and
- Corps of Engineers Consent to Easement Structures No. DACW45-9-16-8071, and accompanying distribution letter.

Also enclosed is a CD containing the above-referenced documents in PDF format. Should you have any questions, please advise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lawrence Bender".

LAWRENCE BENDER

LB/dmk  
Enclosures

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Attorneys & Advisors  
main 701.221.8700  
fax 701.221.8750  
fredlaw.com

Fredrikson & Byron, P.A.  
1133 College Drive, Su  
Bismarck, North Dakota  
58501-1215

**203**

**PU-14-842** Filed: 8/4/2016 Pages: 7  
**Company representative contact info, Corps of  
Engineers Consent to Easement**

Dakota Access, LLC

Lawrence Bender, Fredrikson&Byron, P.A.

**Dakota Access, LLC**  
**Dakota Access Pipeline Project**  
**Case No. PU-14-842**

**Company Representative Contact Information**

Any inquiries regarding the Dakota Access Pipeline Project can be sent to Mike Futch by e-mail at [Michael.Futch@energytransfer.com](mailto:Michael.Futch@energytransfer.com), or he can be contacted by telephone at (713) 201-1946.

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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
1616 CAPITAL AVENUE  
OMAHA NE 68102-1618

August 2, 2016

Real Estate Division

Dakota Access, LLC  
Attn: Tom Siguaw  
1300 Main Street, 14<sup>th</sup> Floor  
Houston, Texas 77002

Dear Mr. Siguaw:

Enclosed is a fully executed copy of Consent No. DACW45-9-16-8071. The Consent provides the Government's approval of and consent to the construction, operation and maintenance of a crude oil pipeline by your company over, across and under Government Flowage Easements more specifically described therein at the Lake Sakakawea Project, North Dakota.

An electronic version of this Consent is being sent in advance of an original. Upon receipt of the original you are sending in the mail, it will be signed and an original returned for your records.

If you have any further questions concerning the Consent, please direct them to me at (402) 250-4284 or by e-mail at [rick.l.noel@usace.army.mil](mailto:rick.l.noel@usace.army.mil).

Sincerely,

A handwritten signature in blue ink that reads "Rick L. Noel".

Rick L. Noel  
Chief, Civil Branch, Real Estate Division  
Real Estate Contracting Officer

Enclosure



**DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS  
OMAHA DISTRICT  
CONSENT TO EASEMENT STRUCTURES**

No. DACW45-9-16-8071  
Project: Garrison Dam Project  
Tract Nos. LL3440E, 3483E-1, 3453E, 3430E,  
LL3450E-2, 3431E, 3426E-2

**WHEREAS**, the United States has acquired perpetual flowage and saturation easements over multiple tracts identified above at the Garrison Dam Project, North Dakota, located specifically in Sections 7, 18, 19, and 30, Township 153 North, Range 103 West, Williams County, North Dakota, and which are recorded in the records of Williams County, North Dakota;

**WHEREAS**, said easements grant to the United States the right of prior approval for any structure to be located within the easement areas, which areas are under the administrative control of the Omaha District, Corps of Engineers;

**WHEREAS**, the United States has been requested to give consent for the installation, operation and maintenance of a Twenty Four (24) inch, underground crude oil pipeline and associated facilities and work areas on, over and across the above identified tracts;

**NOW THEREFORE**, the United States hereby gives consents to **DAKOTA ACCESS LLC**, a limited liability company, duly organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 1300 Main, Houston, Texas 77002, hereinafter referred to as the grantee, for the installation, operation and maintenance of a **twenty four (24) inch, underground crude oil pipeline, including valve site, and a construction right-of-way and HDD work space**, at the locations shown on **Exhibit "A"**, attached hereto;

**PROVIDED HOWEVER** that this consent is subject to the following conditions:

1. All activities conducted on the premises shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.
2. The giving of this consent does not in any way subordinate the United States prior easement rights. The United States shall in no case be liable for any damage or injury to the structures herein consented to, which may be caused by any action of the United States under its easement, or that may result from future operations undertaken by the United States, and no claim or right to compensation shall accrue from such exercise of the United States' easement rights.
3. The United States shall not be responsible for damages to property or injuries to persons that may arise from or be incident to the exercise of the consented activity.
4. This instrument is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that this consent does not eliminate the necessity for obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state, interstate or local laws in connection with the use of the premises.



## 5. SITE SPECIFIC CONDITIONS

a. All environmental commitments in the Environmental Assessment, Dakota Access Pipeline Project, dated July 2016 and the Mitigated Finding of No Significant Impact dated July 25, 2016, must be satisfied by the grantee and are incorporated herein by reference.

b. The pipeline must be maintained and operated per ASME B31.3, B31.4, B31.8, CFR 192, CFR 195, API 1104, and related codes.

c. Cathodic Protection will be operated and maintained per applicable codes and the grantee's "Operations and Maintenance Manual". Wall thickness testing will be performed on a 5 year interval through the use of in-line inspection. The periodic in-line inspection will be performed in-lieu of periodic hydro tests. The grantee shall send the inspection reports to the Operations Project Manager at the Garrison Project Office (hereinafter the Garrison OPM).

d. The Facility Response Plan will be submitted to the Garrison OPM for review prior to the operation of the pipeline.

e. All plans not final at the time the Environmental Assessment is complete will be submitted to the Garrison OPM for review and the incorporation of USACE comments prior to submittal to the Pipeline and Hazardous Management Safety Administration. These plans include, but are not limited to the following: Geographical Response Plan, Operations and Maintenance Manual, Risk Assessment (Integrity Management Plan) and Spill Models (Using the National Hydrography Dataset by the USGS)

f. Any plans that have been updated in the "Facility Response Plan" must be sent to the Garrison OPM for review by the USACE Environmental Compliance Coordinators at the Omaha District Office and the Garrison Project Office within one year of the update.

g. The grantee shall provide as-built drawings for the crossing of the Missouri River to the Garrison OPM within 6 months of the completion of pipeline construction.

h. The grantee shall conduct the following training exercises:

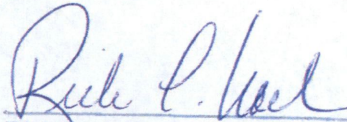
(1) A full scale open water and a full scale winter/ice exercises at Lake Sakakawea and Lake Oahe. A full scale exercise will occur once every 3 years (triennial cycle) with the location and type of exercise occurring on alternating schedules (e.g. open water exercise at Lake Oahe the first triennial cycle, followed by winter exercise at Lake Sakakawea the following triennial cycle, followed by a winter exercise at Lake Oahe the following triennial cycle, etc.). The first exercise will occur within the first 3 years after the pipeline becomes operational.

(2) To facilitate USACE staff involvement, the grantee shall notify the USACE Environmental Compliance Coordinators at the Omaha District Office and the Garrison Project Office at least ninety (90) days prior to initiation of the training exercises. The grantee shall also solicit the participation of key stakeholders (federal, state, local, and Tribal) in these exercises.



i. Within one year following the pipeline becoming operational, the grantee shall provide for an all-weather access and collection point downstream of the HDD crossing of the Missouri River at Lake Sakakawea. The grantee shall provide an equipment storage facility on non-federal lands that includes a fenced permanent storage area for winter and open water spill response equipment. The storage facility should be placed in a strategic location and near existing facilities that would support access to the water. The grantee will coordinate with the USACE and any other applicable stakeholders to obtain all necessary permits and approvals prior to construction for any ground disturbing activities associated with these facilities. The storage facility should contain sufficient response equipment at a minimum to mitigate an unintended worst case release for this Lake crossing.

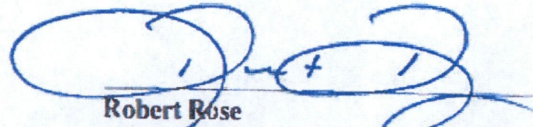
IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army,  
this 2nd day of August, 2016.



Rick L. Noel  
Chief, Civil Branch, Real Estate Division  
Real Estate Contracting Officer

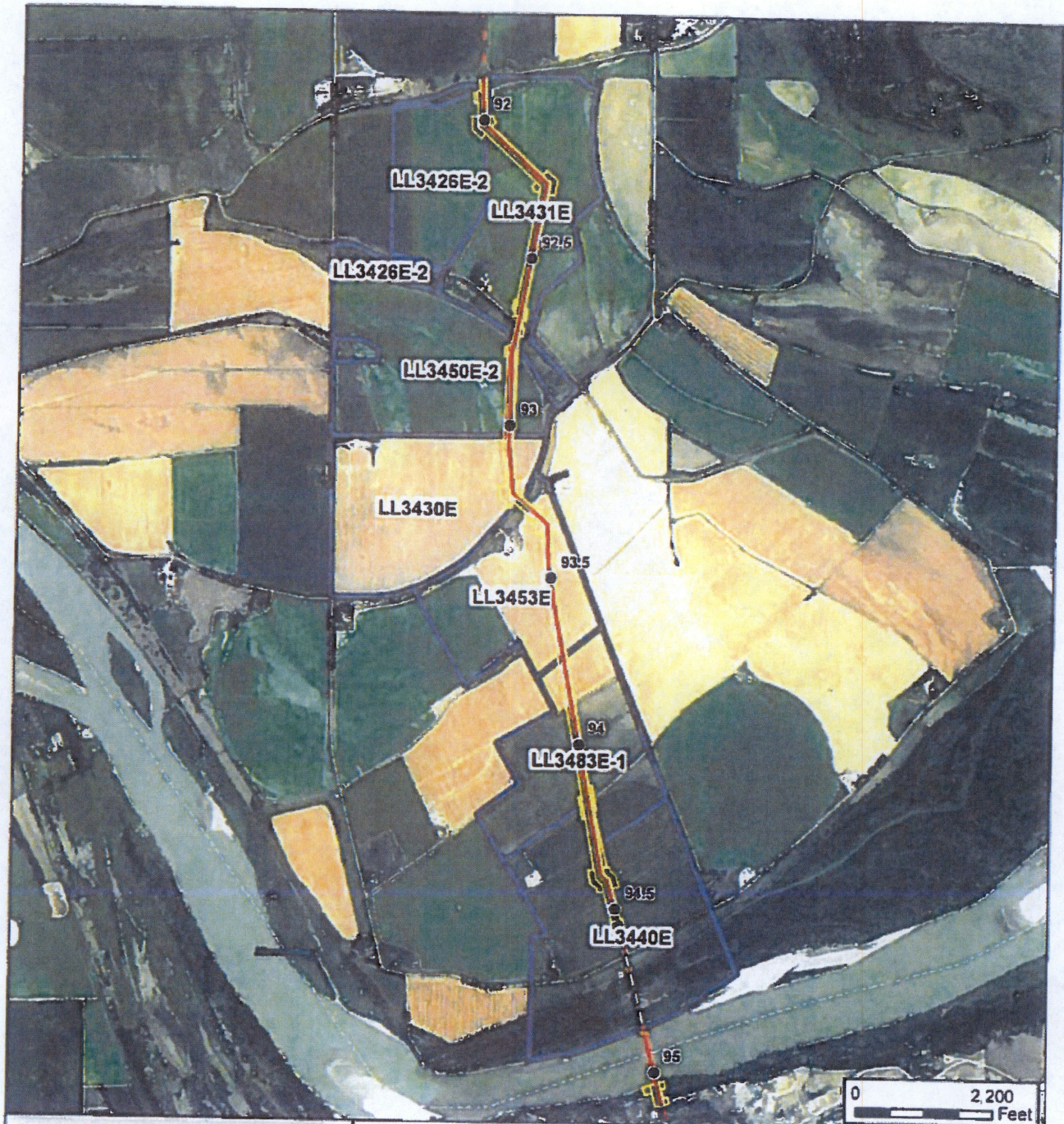
2016 THIS CONSENT is also executed by the grantee this 1st day of AUGUST.

DAKOTA ACCESS LLC



Robert Rose  
Vice President, Land and Right of Way





- Milepost
  - Barge Location With Pumping Intake Structure\*
  - Temporary Above Ground Waterline
  - Project Centerline
  - DAPL Centerline
  - Workspace
  - USACE Flowage Easements
- \* Barge location dependent on water level



**DAKOTA ACCESS, LLC**

**Dakota Access Pipeline Project  
Figure 2  
Project Layout  
Flowage Easements  
Williams County, North Dakota**



UTM83-13F	1:26,400
	Date: August, 2015

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